

HOUSE BILL 211

M4
HB 605/15 – ENV

6lr1266
CF SB 198

By: **Delegates Healey, Beidle, Beitzel, Carr, Fraser-Hidalgo, Frush, Gilchrist, Gutierrez, Holmes, Jalisi, Kaiser, Lafferty, Lam, Lierman, Luedtke, Moon, Morhaim, Pendergrass, B. Robinson, S. Robinson, Sydnor, M. Washington, and Zucker**

Introduced and read first time: January 22, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Neonicotinoid Pesticides – Labeling, Signage, and Restrictions on Sales and Use**
3 **(Pollinator Protection Act of 2016)**

4 FOR the purpose of prohibiting a person from selling at retail in the State certain seeds,
5 material, or plants that have been treated with a neonicotinoid pesticide unless the
6 seeds, material, or plants bear a label with, or are in close proximity to a sign that
7 displays in a certain manner, a certain statement; prohibiting a person from selling
8 at retail in the State, on or after a certain date, a neonicotinoid pesticide unless the
9 person also sells a restricted use pesticide; prohibiting a person from using a
10 neonicotinoid pesticide on or after a certain date unless the person is a certified
11 applicator, a farmer who uses the product for a certain purpose, or a veterinarian;
12 providing for the application of certain provisions of this Act; defining certain terms;
13 and generally relating to neonicotinoid pesticides.

14 BY repealing and reenacting, without amendments,
15 Article – Agriculture
16 Section 5–201(a), (c), and (r)
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2015 Supplement)

19 BY adding to
20 Article – Agriculture
21 Section 5–2A–01 and 5–2A–02 to be under the new subtitle “Subtitle 2A.
22 Neonicotinoid Pesticides”
23 Annotated Code of Maryland
24 (2007 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Agriculture**

4 5–201.

5 (a) In this subtitle the following words have the meanings indicated.

6 (c) “Certified applicator” means a person who is certified by the Secretary under
7 this subtitle.

8 (r) “Restricted use pesticide” means a pesticide so classified by the provisions in
9 this title or by the federal government or the Secretary of Agriculture, State of Maryland.

10 **SUBTITLE 2A. NEONICOTINOID PESTICIDES.**

11 **5–2A–01.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) “NEONICOTINOID PESTICIDE” MEANS ANY PESTICIDE CONTAINING A
15 CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS, INCLUDING:

16 (1) IMIDACLOPRID;

17 (2) NITHIAZINE;

18 (3) ACETAMIPRID;

19 (4) CLOTHIANIDIN;

20 (5) DINOTEFURAN;

21 (6) THIACTOPRID;

22 (7) THIAMETHOXAM; AND

23 (8) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS
24 BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.

25 (C) “NURSERY STOCK” MEANS:

(1) ANY HARDY PLANT OR PLANT THAT SURVIVES MARYLAND WINTERS, INCLUDING A DECIDUOUS OR EVERGREEN TREE, SHRUB, OR WOODY VINE, WHETHER CULTIVATED, NATIVE, OR WILD, AND ALL VIABLE PARTS OF THE PLANT;

(2) ANY NONHARDY PLANT OR PLANT PART TO BE DISTRIBUTED IN ANOTHER STATE THAT REQUIRES PLANT INSPECTION AND CERTIFICATION BEFORE ENTERING THAT STATE; OR

(3) ANY OTHER PLANT INCLUDED BY THE SECRETARY, IF REGULATING ITS MOVEMENT IS NECESSARY TO CONTROL ANY DANGEROUSLY INJURIOUS PLANT PEST.

5-2A-02.

(A) A PERSON MAY NOT SELL AT RETAIL IN THE STATE ANY SEED, PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT THAT HAS BEEN TREATED WITH A NEONICOTINOID PESTICIDE UNLESS THE SEED, PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT BEARS A LABEL WITH, OR IS IN CLOSE PROXIMITY TO A SIGN THAT PROMINENTLY DISPLAYS, THE FOLLOWING STATEMENT:

“WARNING: THIS PRODUCT HAS BEEN TREATED WITH NEONICOTINOID PESTICIDES, FOUND TO HARM OR IMPAIR NONTARGET ORGANISMS, INCLUDING BEES AND OTHER POLLINATORS, BIRDS, EARTHWORMS, AND AQUATIC INVERTEBRATES.”.

(B) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION DO NOT APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID PESTICIDE.

(2) ON OR AFTER JANUARY 1, 2017, A PERSON MAY NOT SELL AT RETAIL IN THE STATE A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO SELLS A RESTRICTED USE PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.

(C) ON OR AFTER JANUARY 1, 2017, A PERSON MAY NOT USE A NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:

(1) A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS TITLE;

(2) A FARMER WHO USES THE PESTICIDE FOR AGRICULTURAL PURPOSES, INCLUDING CROP PRODUCTION, LIVESTOCK, POULTRY, AND NONCROP AGRICULTURAL FIELDS; OR

(3) A VETERINARIAN.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.



The Pollinator Protection Act

HB211/SB198



Honey bees in alarming decline

Research overwhelmingly shows that toxic neonicotinoid pesticides (aka “neonics”) kill and harm bees, butterflies, and birds - posing a serious threat to our food, public health, and wildlife. Last year, Maryland beekeepers lost 61 percent of their bees, about twice the national average and far more than is typical in a year. In addition to killing bees outright, even low levels of these toxic pesticides impair bees’ ability to learn, find their way back to the hive, collect food, produce new queens and mount an effective immune response.

One out of three bites of food

Honeybees and other pollinators are responsible for one out of every three bites of food we eat. Bees pollinate 71 of the 100 crops that make up 90 percent of the world’s food supply. Many fruits and vegetables, including apples, blueberries, strawberries, carrots and broccoli, as well as almonds and coffee, rely on bees.

Not so “bee-friendly”

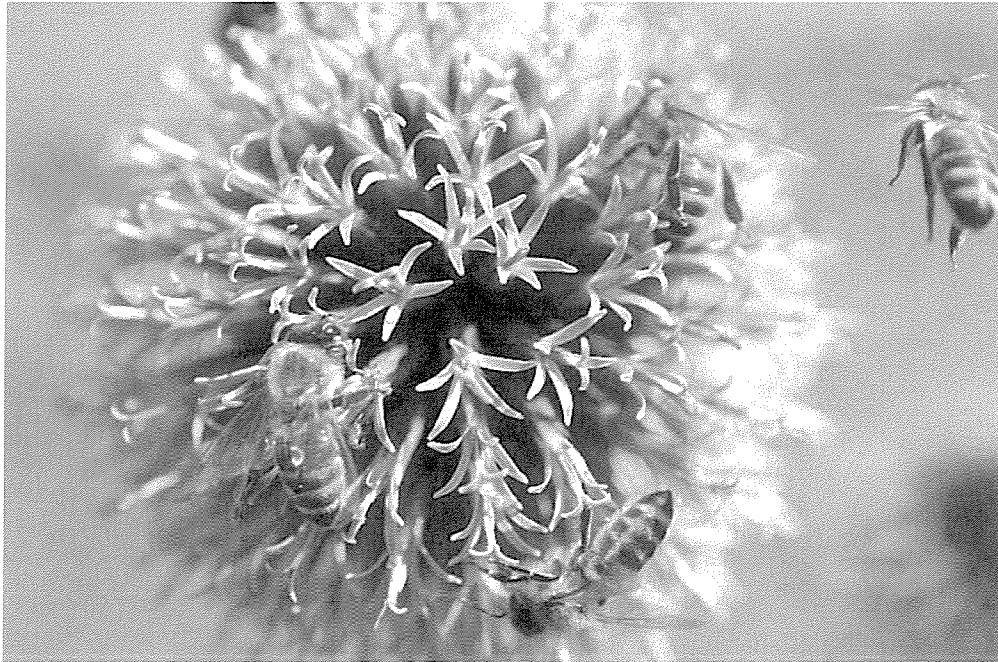
Surveys show that Marylanders are very concerned about the dangers of pesticides to their health, but consumers lack information about products treated with neonics. More than half of “bee-friendly” plants purchased at Home Depot, Walmart and Lowe’s stores in 18 cities across the U.S. and Canada, including in Maryland, had levels of neonicotinoids sufficient to kill bees outright, according to a recent study by Friends of the Earth.

A pervasive, growing threat

Neonic pesticide use is widespread - neonics are the fastest growing and most heavily used class of pesticides. A November 2015 U.S. Geological Survey study found residue from one of three types of neonics in a majority of native bees sampled. Another USGS study found 59 percent of streams sampled nationwide had detectable levels of neonic contamination - including sampling from the Chesapeake bay watershed.

We Need The Pollinator Protection Act

We urge you to support and help pass this important Pollinator Protection Act, which would curb consumer purchases of harmful neonicotinoids and ensure consumers know when plants contain these toxic pesticides.



The Smart on Pesticides Maryland coalition works to protect Marylanders and the natural systems we depend upon from the toxic impacts of pesticides. The coalition includes more than 75 businesses, organizations and institutions representing communities, beekeepers, farmers, health care providers, environmentalists, Waterkeepers, interfaith congregants as well as environmental justice, public health and wildlife advocates.

For more information, contact us:

Web - <http://www.sierraclub.org/maryland/legislation>

Email - Legislation@MDSierra.org